

UNITED STATES District COURT
EASTERN District OF MISSOURI
NORTHERN DIVISION

TODD McCLASKEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:03CV00066 AGF
)	
LA PLATA R-II SCHOOL DISTRICT,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's "request for venue with the next higher Federal Court." Plaintiff also requests that the case be transferred outside Missouri. The Court construes Plaintiff's motion as a request to transfer the case to a court outside of Missouri and/or a request for a certificate for an interlocutory appeal to the Eighth Circuit Court of Appeals. No Order of this Court involves "a controlling question of law as to which there is substantial ground for difference of opinion," nor does the Court believe that an immediate appeal from any Order "may materially advance the ultimate termination of the litigation," as required to warrant issuance of a certificate for an interlocutory appeal under 28 U.S.C. § 1292(b). See White v. Nix, 43 F.3d 374, 376 (8th Cir. 1994).

The Court further concludes that the requirements for a change of venue are not met. The parties and witnesses are all in this district, and events occurred in this district. Moreover, the "interests of justice" requirement for transfer of venue under 28 U.S.C. § 1404(a) to a court outside of Missouri is not met in the present case. Accordingly, Plaintiff's motion shall be denied.

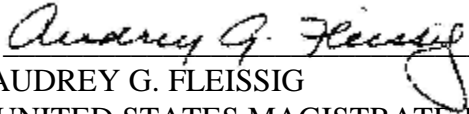
Plaintiff is reminded that he is required to file pretrial materials in this case, including but not limited to a list of all proposed witnesses and a list of proposed exhibits. Plaintiff is advised to

carefully consult the Court's Order Relating to Trial section of the Case Management Order issued on October 6, 2004. The Clerk's Office shall include a copy of that Order along with the present Order. As the trial date in this case is August 7, 2006, pretrial materials were due on July 18, 2006 (20 days before trial, as stated in the Case Management Order). The Court shall grant Plaintiff an extension up to and including July 28, 2006, to file his pretrial materials. Plaintiff is cautioned that failure to file pretrial materials by this deadline may result in the dismissal of his case without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion to transfer is **DENIED**. [Doc.

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AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 20th day of July, 2006